

REMARKS

Applicant has carefully reviewed the Office Action dated May 4, 2010. Applicant has amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-2 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated U.S. Patent Application PG-Publication No. 2004/0261127 to *Freeman* (hereinafter “*Freeman*”). This rejection is respectfully traversed.

Applicant has amended Claim 1 to include the features of “generating an advertisement broadcast comprised of a general program having non-advertising content and associated advertising content dispersed therethrough for broadcast over a broadcast media which is directed to a general class of consumers such that all consumers in the general class of consumers are presented with the same information”, “wherein the unique information is dispersed throughout the advertisement broadcast at different times during the program such that a viewing one of the general class of consumers is induced by at least a first portion of the received unique information without any further input from the consumer to access the desired advertiser’s location after a predetermined time in the program and wherein the location of at least a second portion of the unique information in the program is associated with the advertising content of the program proximate in time thereto, such that the first portion induces by informing the consumer that an access will be unconditionally available at another desired time and the at least a second portion that is delivered to the consumer at the another desired time during the program allows the consumer to access the desired advertiser location through the personal computer-based system proximate in time to the occurrence of the advertisement broadcast” and “accessing by at least one consumer, the desired advertiser’s location proximate the another desired time in the program” (emphasis added). Support for the amendments made to Claim 1 may be found in at least page 57, line 13 to page 60, line 13. Applicant respectfully submits that *Freeman* fails to teach or suggest the features of Claim 1 as amended.

In particular, Applicant respectfully submits that *Freeman* fails to teach or suggest “generating an advertisement broadcast comprised of a general program having non-advertising content and associated advertising content dispersed therethrough for broadcast over a broadcast media which is directed to a general class of consumers such that all consumers in the general class of consumers are presented with the same information.” *Freeman* describes an interactive digital system in which a viewer is presented with interrogatories at the beginning or scattered throughout a broadcast program. For example, a viewer may be presented with interrogatories regarding preferred camera angles, the viewer’s favorite team, or the viewer’s favorite player (see *Freeman*, paragraphs [0031]-[0037]. Based upon the viewer’s response to the various interrogatories, different video or other information is presented to the viewer during the broadcast program. Accordingly, in the system described by *Freeman*, different information is presented to a viewer based upon the viewer’s response to the interrogatories. In contrast to the system of *Freeman*, the invention of Claim 1 recites that “all consumers in the general class of consumers are presented with the same information.”

Further regarding Claim 1, Applicant respectfully submits that *Freeman* fails to teach or suggest the features of Claim 1 of “wherein the unique information is dispersed throughout the advertisement broadcast at different times during the program such that a viewing one of the general class of consumers is induced by at least a first portion of the received unique information without any further input from the consumer to access the desired advertiser’s location after a predetermined time in the program and wherein the location of at least a second portion of the unique information in the program is associated with the advertising content of the program proximate in time thereto, such that the first portion induces by informing the viewing consumer that an access will be unconditionally available at another desired time and the at least a second portion that is delivered to the consumer at the another desired time during the program allows the consumer to access the desired advertiser location through the personal computer-based system proximate in time to the occurrence of the advertisement broadcast.” In the system of *Freeman*, a viewer is presented with particular broadcast information during the course of a broadcast program based upon the viewer’s responses to earlier presented interrogatories. Applicant respectfully submits that *Freeman* contains no teaching or suggestion that “a viewing one of the general class of consumers is induced by at least a first portion of the received unique

information without any further input from the consumer to access the desired advertiser's location after a predetermined time in the program..." as recited in Claim 1. *Freeman* contains no teaching or suggestion of inducing without further input from a consumer to access a desired advertiser's location. Still further, Applicant respectfully submits that *Freeman* contains no teaching or suggestion of a first portion that "induces by informing the viewing consumer that an access will be unconditionally available at another desired time..." as recited in Claim 1. In the system of *Freeman*, the presentation of information is conditioned on the responses to the interrogatories presented to the viewer, it is not unconditional. For at least the foregoing reasons, Applicant respectfully submits that Claim 1 is allowable over the cited references and requests that the 35 U.S.C. § 102(e) rejection of Claim 1 be withdrawn.

Claims 2 and 10 are dependent upon and include the features of Claim 1. For at least the reasons as discussed with respect to Claim 1, Applicant respectfully submits that Claims 2 and 10 are allowable over the cited references and requests that the 35 U.S.C. § 102(e) rejections of Claims 2 and 10 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 4-5, 7 & 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Freeman* in view of U.S. Patent No. 6,353,929 to *Houston* (hereinafter "*Houston*"). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Freeman* in view of U.S. Patent No. 6,813,776 to *Chernock et al.* (hereinafter "*Chernock*"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Freeman* and *Chernock* as applied to Claim 8, and further in view of *Houston*. These rejections are respectfully traversed.

Claims 4-5, 7-9, and 11 are dependent upon and include the features of Claim 1. As discussed with respect to Claim 1, *Freeman* fails to teach or suggest the aforescribed features of Claim 1. Applicant respectfully submits that *Houston* and *Chernock* also fail to teach or suggest these features. In view of the foregoing, Applicant respectfully requests that the 35 U.S.C. 103(a) rejections of Claims 4-5, 7-9, and 11 be withdrawn.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/RPXC-24,739 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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